

ELX-5795L-6
(BXTD9006.3)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jerry S. Powell

Art Unit 1631

Serial No. 09/975,063

Filed October 10, 2001

Confirmation No. 2666

For METHOD OF MAKING GLYCOPROTEIN EXHIBITING ERYTHROPOIESIS
REGULATING ACTIVITY AND GLYCOPROTEIN PRODUCED BY THIS
METHOD

Examiner: James Martinell

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, University of Washington, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,688,679. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of

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competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

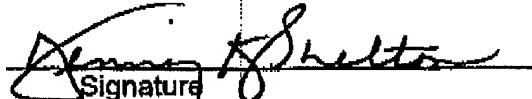
Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, University, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

10/14/03
Date


Signature

Dennis K. Shelton
Typed or Printed Name Reg. No. 26,997

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

☒ PTO suggested wording for terminal disclaimer was

☒ unchanged

☐ changed (if changed, an explanation should be supplied)

FEE TRANSMITTAL

Application Number 09/975,063
Filing Date October 10, 2001
Confirmation No. 2666
Inventor(s) Jerry S. Powell
Group Art Unit 1631
Examiner Name James Martinell
Attorney Docket Number ELX-5795L-6 (BXTD 9006.3)


METHOD OF PAYMENT

1. ☒ [X] The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
- ☒ [X] The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
- ☐ [] Applicant claims small entity status.
2. ☐ [] Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

1. ☐ [] BASIC FILING FEE Subtotal (1) \$ _____
(Type: _____)
2. ☐ [] EXTRA CLAIM FEES Subtotal (2) \$ _____
Total Claims _____
Independent Claims _____
Multiple Dependent Claims _____
3. ☐ [] ADDITIONAL FEES Subtotal (3) \$ _____
☐ [] Surcharge - late filing fee or oath
☐ [] Surcharge - late provisional filing fee or cover sheet
☐ [] Extension for reply within _____ month
☐ [] Notice of Appeal
☐ [] Filing a Brief in Support of an appeal
☐ [] Request for ex parte Reexamination
☐ [] Petitions to the Commissioner
☐ [] Submission of Information Disclosure Statement
☐ [] Recording each patent assignment per property
☐ [] Request for Continued Examination
☒ [X] Other Terminal Disclaimer

TOTAL AMOUNT OF PAYMENT \$ 110.00


Kathleen M. Petrillo, Reg. No. 35,076
October 14, 2003
Date

KMP/lam